

Remarks

Claims 42-45, 53, 57, 58, 62-66 and 69-172 are pending and subject to a restriction requirement. Claims 42, 53, 57, 62, 63, 65, 66, 69-77, 162 and 167 have been amended. Claim 172 is newly added. Claims 54-56, 59-61, 67 and 68 have been canceled.

Claims 42, 53, 57, 62, 63, 65, 66, 69-77, 162, and 167 have been amended to more clearly recite what the Applicant regards as his invention. Claims 42, 162 and 167 have been amended to recite that the amplification reactions within the claimed methods are performed using rolling circle amplification. Support for these amendments can be found in the Specification at least at p. 2, lines 22-23, and p. 4, lines 28-29. Claim 42 was also amended to remove step (e). This step has been placed in new dependent claim 172. Claims 53, 57, 62, 63, 65, 66 and 69 have been amended to depend from claim 42. Claims 53 and 57 have also been amended to remove steps (a) through (d), which appear in base claim 1. Claims 70-77 have been amended to recite that the claimed kits and linear vectors are for use in rolling circle amplification. Support for these amendments can be found in the specification at least at pl. 16, lines 2-4 and p. 28, lines 20-21. Applicant respectfully submits that these amendments were not made for any reason related to patentability.

In as much as no other section of the Response to Restriction Requirement was indicated as being non-compliant in the Notice of Non-Compliant Amendment dated November 6, 2003, those sections are not being resubmitted.


Favorable consideration of claims 42-45, 53, 57, 58, 62-66 and 69-172 is earnestly solicited.

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Application No. 09/853,379

It is believed that no fee is due with this submission. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 14-0629.

Respectfully submitted,

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I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Robert A. Hodges

12/4/2003
Date